

FILED
IN CLERK'S OFFICE
US DISTRICT COURT
E.D.N.Y.
* JULY 11, 2023 *
BROOKLYN OFFICE

KTF:RMS
F. #2023R00339

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

MATTHEW PENBERG,

Defendant.
----- X

I N D I C T M E N T

Cr. No. **23-CR-285**
(T. 18, U.S.C., §§ 875(c), 981(a)(1)(C), 2
and 3551 et seq., T. 21, U.S.C., § 853(p),
T. 28 U.S.C., § 2461(c))
Judge Orelia E. Merchant
Magistrate Judge Marcia M. Henry

THE GRAND JURY CHARGES:

COUNT ONE

(Transmission of Threats to Injure – Jane Doe-1, John Doe and John Doe's Relative)

1. In or about and between October 2022 and April 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MATTHEW PENBERG did knowingly and intentionally transmit in interstate and foreign commerce one or more communications containing one or more threats to injure the person of another, to wit: communications threatening injury to Jane Doe-1, John Doe, and a relative of John Doe, individuals whose identities are known to the Grand Jury.

(Title 18, United States Code, Sections 875(c), 2 and 3551 et seq.)

COUNT TWO

(Transmission of Threats to Injure – Jane Doe-2)

2. In or about March 2023, within the Northern District of New York and elsewhere, the defendant MATTHEW PENBERG did knowingly and intentionally transmit in interstate and foreign commerce one or more communications containing one or more threats to

injure the person of another, to wit: communications threatening injury to Jane Doe-2, an individual whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 875(c), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

3. The United States hereby gives notice to the defendant that, upon his conviction of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

Mary Beth Glickman
FOREPERSON

By C. Pokorny, Assistant U.S. Attorney
BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F.#: 2023R00339
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

MATTHEW PENBERG,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 875(c), 981(a)(1)(C), 2 and 3551 et seq., T. 21, U.S.C.
§ 853(p), T. 28, U.S.C., § 2461(c))

A true bill.

Mary Beth Glickman

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Rebecca Schuman, Assistant U.S. Attorney (718) 254-7202